

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1, 3-6, 9-11, 13-15, and 18-20 are currently pending and stand rejected.

Claims 2, 7, 8, 12, 16, and 17 were previously canceled without prejudice or disclaimer.

Claims 1 and 19 are amended, and new claims 21 – 24 are added. No new matter is introduced.

II. Non-Statutory Double Patenting

Claims 1, 3 - 6, 9 - 11, 13 - 15 and 18 - 20 are provisionally rejected on the ground of non-statutory double patenting over claims 1, 8, 11, and 17 of co-pending Application No. 12/113,637. The Examiner asserts that although the conflicting claims are not identical, they are also not patentably distinct.

In response, Applicants traverse the Examiner's contention that the claims of the present application are not patentably distinct over claims 1, 8, 11, and 17 of the '637 Application.

Applicant will consider filing a terminal disclaimer to obviate this obviousness-type double patenting rejection once the pending claims are found to be allowable except for the obviousness-type double patenting rejections.

Applicants note that the '637 application was filed on May 1, 2008, and the present application was filed on September 11, 2003. Pursuant to MPEP §804(I)(B)(1), if a provisional obviousness-type double patenting rejection is the only rejection remaining in an earlier filed application, while the later filed application has been rejected on other grounds, the Examiner should withdraw the rejection in the earlier filed application and permit the application to issue without need of a terminal disclaimer. Therefore, once all other rejections in the present application are overcome, Applicants request that the double patenting rejection be withdrawn if the '637 application at that time is rejected on other grounds.

III. Rejections under 35 U.S.C. § 103

Claims 1, 3-6, 9-11, 13-15, and 18-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,758,746 to Hunter et al. ("Hunter") in view of U.S. Patent No. 5,890,963 to Yen ("Yen"). Applicants respectfully traverse these rejections.

Amended claim 1 recites, in part,

one of each of said game machines or said server comprises a converting device for converting play-information indicating the contents of a user's playing in each of different kinds of games on each of said game machines into points in accordance with the contents of the play-information, the points having a trading value unified through the games.

(Emphasis added).

In other words, the play-information obtained from different games that have been played by a user (for example a music game, an action game, and/or puzzle game) is

converted into points for each game that has been played. As a result of the conversion, the points have a trading value that is unified between the different game types, that is, a “common points have a value exchangeable for data of game elements ... in various kinds of games” (see, e.g., page 19 lines 24-25 of Applicants’ specification). A player can earn play-information data that is unique to one game type, for example the music game, and then trade this data for common points that may be used in the same game or a completely different game type, for example the action game. In other words, data unique data to one kind of game can be redeemed depending on the contents of user's play-information obtained in different game type via the commonly traded points. To allow for differences among games in significance or points and in game events that score points, common points are determined according to explicit and distinct rules of conversion for each type of game (see, e.g., page 19, line 23 through page 20, line 19 and page 24, line 19 through page 25, line 3 of Applicants’ specification).

Hunter discloses a method for providing customer interactive entertainment over a network which allows a user to purchase subscriptions or points that provide access to various types of characters that may be used for playing a game (see, e.g., Col. 7: 53 – 55 of Hunter). As the Examiner acknowledges, however, Hunter is silent with regard to the features of Applicants’ claimed invention that provide:

game machines [] capable of playing different kinds of games from each other wherein the unique data [obtained by trading converted points] can be used in a plurality of games and including a converting device [for converting play-information indicating the contents of a user's playing in each game on each of said game machines into points in accordance with the contents of the play-information, the points having a trading value unified though the games].

The Examiner suggest that this deficiency is overcome with the addition of Yen.
Applicants respectfully disagree.

Yen discloses a system for game play that enable a user playing as a restaurant manager to score points that may be used for improving the restaurant (see, e.g., Col. 11: 1 – 5 of Yen). Yen also suggests that the restaurant game may be extended to enable players to engage in other related game roles, for example, such as a health club game in which the user applies resources accumulated in the restaurant game to establish a health club for use by his restaurant patrons (see, e.g., Col. 12: 51 – 62 of Yen).

In sharp contrast to Applicants' claimed invention, Yen does not teach a game system that enables the accumulation of common points which may be traded for value ("unique datas") in any one of a variety of unrelated games, as a result of providing a converting device that converts the user's play-information in each game to "common" points according to the contents of the user's play-information and distinct rules of conversion for each type of game. For example, Applicants' system enables games of very different kinds (e.g., a music game machine, a mah-jongg game machine and an action game machine) to be played and in each case generate common points that the user can trade for data to be used in a particular one of the games.

This aspect of Applicants' claimed invention, *inter alia*, provides the following benefit. If a player is not skilled in one of the games, the player to his or her advantage can never-the-less accumulate points by playing another game in which he or she is skilled, and trade accumulated points for data to be use in the game at which the player is

not skilled. This capability can, for example, enable the player to advance more rapidly in this game and acquire additional skill.

In summary, Applicants submit that neither Hunter nor Yen, alone or in combination, teach or suggest Applicants claimed converting devices that converts and accumulates a user's play-information in each of a number of unrelated games to a common set points according to the contents of the user's play-information and distinct rules of conversion for each type of game.

Accordingly, Applicants respectfully submit that Applicants' invention as claimed in amended independent claim 1 is neither anticipated nor made obvious by the cited references, and stands in condition for allowance. Each of remaining independent claims 11, 19 and 20 also deal with the concept of points having a trading value common through the different kinds of games. Therefore, Applicants respectfully submit that Applicants' invention as claimed in amended independent claim 11, 19, and 20 are neither anticipated nor made obvious by the cited references, and stands in condition for allowance.

As each of claims 3-6, 9, 10, 13-15 and 18 depends from one of allowable independent claims 1 and 11, Applicants submit that dependent claims 3-6, 9, 10, 13-15 and 18 are also in condition for allowance.

Therefore, Applicants respectfully request that the rejection of claims 1, 3-6, 9-11, 13-15, and 18-20 under 35 U.S.C. §103(a) be withdrawn.

III. New Claims

Applicants add new claims 21 - 24. As each of new claims 21 - 24 depends from one of allowable claims 1, 11, 19 or 20, Applicants submit that new claims 21 - 24 are also allowable for at least this reason.


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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